



Memorialisation as Related to
Transitional Justice Processes in
Timor-Leste: an Exploration

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This document is one of seven Country Explorations that served as a foundation for the Exchange report. The Exchange report itself looks into the state of affairs in the field of transitional justice in the participating countries, mapping out memorialisation initiatives and ways forward. This Country Exploration is based on documents produced by the participants prior and during the Exchange, was written by Annet van Offenbeek, fact-checked by Anjet Lanting and Simon Robins, edited by Laura McGrew and validated by the country-group participants. Marina Oliver - Tomić, Annet van Offenbeek and Ralph Sprenkels provided additional editorial support.

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1. Introduction

The series of Country Explorations on Memorialisation as Related to Transitional Justice Processes was elaborated collaboratively as part of the Asia Exchange Meeting 'Memory for Change', which was held in Bangkok, Thailand in November 2014. It consists of seven concise overview documents, each referring to one of the participating countries in the Exchange. The Country Explorations provide a contextual overview as well as an analysis of initiatives that find themselves in the realm of memorialisation and transitional justice in each country. They also offer ideas for ways forward concerning the enhancement of local, regional and international engagement on the subject. The Country Explorations feed into the comparative sections of the Asia Exchange Report. Different relevant initiatives and situations touched upon in the Exchange report are explained here in more detail.

2. History and Background

Timor-Leste was a Portuguese colony for 450 years - from 1515 until 1975. During World War II, Timor-Leste was occupied by the Japanese military for three and a half years. After the war, the Portuguese regained control until 1975. At the demand of colonised nations and due to the Carnation Revolution in Portugal (which led to a democratic transformation to stop the unpopular colonial wars), 1974 saw the beginning of the decolonisation process in Portuguese colonies, including Timor-Leste. Around this time a number of political parties were founded: the Timorese Social Democratic Association (ASDT) (which was later renamed the Revolutionary Front for an Independent East Timor (FRETILIN)) wanting full independence, the Timorese Democratic Union (UDT) advocating for gradual independence under the auspices of the Portuguese state, and the Timorese Popular Democratic Association (APODETI) wanting to integrate with Indonesia. An internal conflict ensued between the parties, in which serious human rights violations were committed.

The Cold War between the Eastern and Western bloc countries exacerbated the conflict in Portuguese Timor. As the Portuguese government failed to complete the decolonisation process, on 7 December 1975, the military regime of Indonesia - with blessings from Australia and the U.S. - invaded Timor-Leste to stop the domination of FRETILIN, which as a Communist party was seen as a threat. Indonesia occupied Timor-Leste until September 1999.

During 24 years of occupation, with the policy of controlling the 'rebellion' and maintaining the stability of the sovereign state of Indonesia in Timor-Leste, Suharto's government maintained a military operation that resulted in many different human rights violations. According to the Report of the Commission for Reception, Truth and Reconciliation (CAVR) - the truth commission conducted during the later UN intervention - 180,000 East-Timorese died during the occupation as a result of, among other things, extra-judicial killings and starvation, representing 1/3 of the population. None of the perpetrators (who included both Indonesian military as well as pro-Indonesian militia forces from Timor-Leste) were brought to justice in this period.

After losing the 1999 UN-organised referendum in Timor-Leste on independence from Indonesia, the Indonesian government ordered its military to leave Timor-Leste, applying a 'scorched earth' policy. According to the UN Commission of Inquiry (COI) that was established in 1999, nearly 80% of the country's infrastructure was destroyed, mainly by the military and pro-Indonesian militias. About 1,200 people were killed before and after the referendum, with numerous massacres occurring across the country.

Based on the 5 May 1999 agreement made between Indonesia, Portugal and the United Nations, the UN Transitional Administration in East Timor (UNTAET) was created on October 25, 1999. It functioned as a transitional government until 20 May 2002, when it handed all powers to the East-Timorese, and independence in Timor-Leste was restored after the brief independence that had been declared on 28 November 1975.

In 2006, Timor-Leste was engulfed by a political crisis, which saw a breakdown of security forces. The unrest started when soldiers from the western part of the country felt discriminated against in favour of soldiers from the eastern part of the country. The easterners formed the largest part of The Armed Forces for the National Liberation of East Timor (FALINTIL) - the military wing of FRETELIN - which was the guerrilla resistance movement that resisted Indonesian authority. They were integrated into the army since independence in 2002 and formed the largest part of the army. There were also tensions between the military and the police force, due to perceptions among the military that the police force was composed more of westerners and Timorese who used to be members of the Indonesian police. Dozens were killed, and about 150,000 people, mainly from the capital, were displaced. President Xanana Gusmao's¹ role in the event has been questioned; the COI on the 2006 events stated that: 'The speech given by the President on 23 March 2006 was perceived as divisive and the President should have shown more restraint and respect for institutional channels by exhausting available mechanisms before giving the speech and by communicating directly with Major Reinado after the latter's desertion.'²

In 2008 another political crisis emerged, related to the 2006 events, when President Jose Ramos-Horta was attacked, barely surviving an assassination attempt. These political crises were caused by several factors: political immaturity of the leaders of the country, weak institutions, weak rule of law, and a legacy of impunity. Old animosities between former leaders from different factions continue to play a role in politics and institutions. Since most of the parties come from a revolutionary background, the resort to violence can be a quick reflex, with weapons easily available. In addition, the political players in Timor-Leste all remain loyal to their former rebel units, which makes independent governance a great challenge.

3. Transitional Justice Mechanisms

The biggest obstacle to transitional justice is the fact that the main perpetrators are based in the invading country, Indonesia. Since the invasion was either condoned by or financially

¹ Xanana Gusmao was president from 2002 until 2007. From 2006 until 2007, José Ramos Horta was Prime Minister. In 2007 they swapped functions: José Ramos Horta became President from 2007 until 2012 and Xanana served as Prime Minister during these years.

² Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste, 2 October 2006.

supported by Western allies of Indonesia, including the U.S. and Australia (which were motivated by their interest in fighting communism during the Cold War era), there is a lack of genuine interest in a thorough transitional justice process among the majority of the international community.

In spite of this obstacle, a number of initiatives have been carried out or continue to be implemented today, attempting to address crimes of the past, with some having more honest intentions than others. First of all, the International COI was established by the UN Secretary-General in October 1999 and released its report in January 2000. In September 1999 the National Human Rights Commission (HRC) of Indonesia established the Commission for Human Rights Violations in East Timor (KPP-HAM), which completed its report in January 2000. Although there was a lot of mistrust among the East-Timorese concerning whether the KPP-HAM would take a serious attempt to investigate the violations committed by Indonesian military and its militias, the quality of the report surprised many. An international Commission of Experts appointed by the UN Secretary-General found that its inquiry procedures 'conformed to international standards relating to pro justitia inquiries'.³ The KPP-HAM report of January 2000 put pressure on the Indonesian Attorney General's Office to provide indictments. The KPP-HAM only examined the last nine months from January 1999 until the departure of Indonesian forces in September 1999 - not the 24-year occupation. There were calls by various groups for an international tribunal to be created to investigate and prosecute the crimes. The tribunal was never initiated, because Indonesia committed itself to ensure full accountability.⁴

The Indonesian Law 26/2000 created the Ad Hoc Human Rights Court for East Timor. The 'big fish', who are currently all in Indonesia, were supposed to be tried by this Court. The Attorney General's Office took over the investigation following its acceptance of the KPP-HAM report. Of the 27 suspects from the Indonesian military and pro-Indonesian militias who KPP-HAM recommended to be investigated, only 18 suspects were put on trial, of which only two, both leaders of Timorese militias, were successfully convicted: former governor Abilio Soares and former militia commander Eurico Guterres. Witnesses had been intimidated by soldiers in the courtroom, and the prosecution made no attempt to provide evidence to show what the KPP-HAM report had concluded; namely that the violence was a direct result of government policy. All the Indonesian police and military leaders have since been released, including those who previously were convicted.

Former Indonesian president Megawati Sukarnoputri, has described many of the military leaders involved in the violence in Timor-Leste as national heroes for their role in fighting for their country. Impunity was sponsored by the state, as was seen in December 2001, when the President gave a speech to mark Indonesia's National Army Day. She stated: 'Armed with the soldiers' oath and existing laws, carry out your duties and responsibilities in the best

³ UN Doc. S/2005/458, May 26, 2005.

⁴ Cohen, D., (2003) *Intended to Fail: The Trials Before the Ad Hoc Human Rights Court in Jakarta*, ICTJ, available at: <https://www.ictj.org/publication/intended-fail-trials-ad-hoc-human-rights-court-jakarta>

possible manner without having to worry about human rights abuses.’⁵ In 2004, Soares was acquitted during a Supreme Court hearing, while the verdict against Guterres was confirmed by the Supreme Court in 2006. In 2008 the court revised its decision, being of the opinion that Guterres’ actions were commissioned by Soares, and so Guterres was released a couple of days after the hearing.

In 2001, UNTAET established the Serious Crimes Unit (SCU), a sub-unit of the General Prosecution service, and the hybrid Special Panel for Serious Crimes (SPSC) to investigate and prosecute the perpetrators of crimes against humanity that occurred before and after the 1999 referendum. The SPSC closed in 2005, but was revived in 2008 when the UN established the Serious Crimes Investigation Team (SCIT), which functioned until early 2013. Until 2005, SPSC has prosecuted 95 cases with 391 suspects, while 84 defendants were sentenced. The perpetrators who were successfully prosecuted in the SPSC have been considered ‘small fish’ (low-level offenders who were all ex-militia). Most have been pardoned by the Timor-Leste government and only three of them remain in prison. The SCIT gave its recommendations to the Office of the General Prosecutor and a few trials were held in the past years. Due to the dismissal of all international judges by the parliament in October 2014, new trials cannot be held since two international judges are required to sit on the SPSC.

In 2001, UNTAET and Timorese leaders also established the CAVR, which functioned until 2005. In addition to successfully gathering testimonies of about 8,000 people and establishing the facts of human rights violations between 1974 and 1975 (the internal conflict) and 1975 until 1999 (violence committed during the Indonesian occupation), the CAVR also facilitated thousands of community-level reconciliation meetings (called ‘*Nahe Biti Boot*’ or ‘*Big Mats*’) in 13 districts for non-serious crimes. It held public hearings on numerous thematic issues, and produced a 2000-page report (*Chega!*) with all-encompassing recommendations. It was submitted to parliament in 2005, but has not been discussed to date. The CAVR also set up a permanent exhibition and conducted mobile dissemination of the content of the report in all districts.

Before the CAVR completed its mandate in mid-2005, the governments of Indonesia and Timor-Leste agreed to form a bilateral commission, the Commission of Truth and Friendship (CTF). The Commission’s mandate was limited to reviewing transitional justice processes already undertaken – including the findings of the UN COI, the Ad Hoc Tribunal in Jakarta, the serious crimes process in Timor-Leste and the CAVR. In contradiction to international law, it had the power to recommend amnesty for perpetrators of crimes against humanity.

The establishment of this bilateral commission seemed a creative idea to seeking a solution, considering the unique situation of the conflict, with the ‘loser’ (Indonesia) being the powerful giant neighbour of tiny island state Timor-Leste, and with those allegedly involved in serious crimes in Timor-Leste continuing to hold power in Indonesia. However, the CTF has also been seen as a way to undermine the recommendations of the Expert Commission of the United Nations published around that time, which recommended the UN Security

⁵ Human Rights Watch (HRW) (2002), *Justice denied for East Timor*, Human Rights Watch, available at: <http://www.hrw.org/reports/2002/12/20/justice-denied-east-timor>.

Council to establish an international criminal tribunal if the Indonesian government did not take serious steps within six months.

One of the key recommendations of the 2008 CTF report was for the Indonesian and Timorese governments to work together to establish the fate and whereabouts of those who disappeared and went missing by establishing a Commission for Disappeared Persons. The CAVR had also made the same recommendation. In October 2011, Presidential Regulation No. 72/2011 was issued by the Indonesian authorities to initiate an Action Plan for the Implementation of the Recommendations of the CTF. However, the Commission has yet to be established.⁶ Confidential bilateral meetings between the two countries took place to discuss the issue and the results remain unknown.

Both the *Chega!* and CTF reports recommended reparations for victims of human rights violations, but the government still does not have a policy on reparations. Two draft laws, on Reparations and an Institute of Memory, began to be discussed by parliament in 2009 but it failed to complete the discussions before its mandate terminated in 2012. The new parliament has not yet scheduled further discussion of these two draft laws. So far, the government has not shown the political will to follow up on the recommendations of the *Chega!* Report. Instead, it has favoured a position of reconciliation and forgiving. The chances of Indonesia being willing to set accountability and reparation processes in motion, or of the international community pushing for these are very slim indeed. Veterans' representatives, who want all their demands to be satisfied before civilian victims receive reparations, also play a role in blocking further implementation. Memory of the conflict is seen as one fought by fighters and ignores the narratives of the affected civilian population; the dominant narrative is that all Timorese are victors, not victims.

Due to the lack of political will from the government to provide reparations for victims, some NGOs are helping vulnerable victims increase their access to social services and government programs such as health treatment, subsidies for widows, the building of small houses, food, etc. These efforts are considered as alternative reparations, where victims can alleviate and improve their conditions through government services - even without the government acknowledging that they are victims.

The many flawed transitional justice attempts reveal two major issues: the difficult situation with neighbour Indonesia not accepting full responsibility and an East-Timorese government preferring not to demand accountability, focusing only on the positive side of heroes who liberated the country, while forgetting the victims that suffered because of this. In addition, it reveals a forgotten group of victims: the victims of the resistance forces. The perception among victims of FRETILIN is that the CAVR only focused on violations perpetrated by Indonesian forces.⁷ In light of these issues, memorialisation efforts are essential in order to provide a broad and inclusive picture of the past, and to keep demanding accountability for all atrocities that were committed.

⁶ ASA 57/001/2014

⁷ Robbins, S., (2012), *Challenging the Therapeutic Ethic: A Victim-Centred Evaluation of Transitional Justice Process in Timor-Leste*, The International Journal of Transitional Justice, 1–23, doi:10.1093/ijtj/ijt034

4. Memorialisation Initiatives

Soon after Indonesia left Timor-Leste in 2000, a variety of community initiatives and NGOs emerged that organised memorialisation efforts for the massacres inflicted during the Indonesian military occupation. Examples of these massacres include: Liquica Church (April 1999), Suai Church (September 1999), the Police Headquarters in Bobonaro (September 1999), Tumin, Oecusse District (September 1999), Lospalos (of priests and journalists) (September 1999), among others. Many memorials and ceremonies to honour combatants have been initiated, including the FALINTIL memorial near Dili and the annual ceremony of FALINTIL day, in which remains of combatants are honoured and reburied. One of the most important memorial events is the annual collection of human remains from the Matebian Mountain - literally the home of spirits - which was the centre of the greatest resistance and where most losses took place.

In the first years after the violence, memorialisation initiatives were dominated by massacres that occurred in 1999 (before and after the referendum). But later on, victims of other human rights violations that had occurred in previous years also began taking initiative to organise commemorations of their dark experiences. Examples of these are the massacre at Santa Cruz cemetery in Dili (12 November 1991), the massacre in Ainaro known as the 'Jakarta-Dua'⁸ (1980-1985), the massacre associated with the 'village of widows'⁹ in the district of Viqueque (1981) and the massacre in Muapitene District of Lospalos in 1980.

In general, memorialisation events involve a religious ritual; putting flowers on graves and giving speeches of recognition. In most places, these efforts have also led to the building of a 'monument' using victims' creativity and money and donations from the international community. For example, in the Sub-District of Balibo (close to the Indonesian border) there is a 'museum' in memory of the five journalists from Australia and New Zealand who were executed by the Indonesian military during the 1975 invasion. The museum was built by the families of the victims, as well as those families of East-Timorese journalists who perished. Each year there is an award named after the five journalists for the best present day Timorese journalist. In essence, memorialisation initiatives by the victims and the NGO community have been intended as a means to articulate their demands for justice (i.e. trials for the perpetrators), recognition, reparation and anti-violence education for the new generation.

But over time, the enthusiasm for conducting these yearly memorialisation activities has begun to fade. This is due to the absence of a positive response from the government towards victims' demands for justice and reparation. The government's policy is to 'forget the past' so as to move forward with 'the reconciliation with Indonesia', even if this means obviating justice and compensation issues. The government also prioritises 'reparations'

⁸ In the 1980s, a spot in the district Ainaro ravine was often used as a massacre site by the Indonesian soldiers, known as 'two heads'. People who were suspected of having links to the anti-Indonesian forces were taken from their homes, and families were told that their relative would be brought back to Jakarta. However, the intention was to execute them by 'throwing' them in the ravine.

⁹ 'Widow village' is another name for Kampung Lalerek Mutin, Viqueque, where in 1983 Indonesian soldiers massacred all the men and left behind only the widows who were living there, closely guarded by the Indonesian army.

(compensation) for the ex-combatants and veterans, over reparations for civilian victims. More recently, the government, led by leaders who are generally former combatants and veterans, has commandeered memorialisation activities. They define them as official 'National Days' for the commemorations of their heroes who perished, for example in the massacre that took place at the cemetery of Santa Cruz (12 November 1991), and the Invasion Day (7 December 1975). These events however have nothing to do with the role of their 'heroic' leaders. While these commemorations take place, the massacres of ordinary people have not been considered serious enough for recognition as a 'National Day'.

A difference in perception between victims and leaders, and between pragmatic political interests (of the leaders) and justice, also continues to have an impact on other aspects of memorialisation. With regard to monuments, the government has a project with large funds to build monuments commemorating the 'struggle' in 65 sub-districts. However, the monuments are all the same shape and will be constructed without consultation of the local community. As a result, most people do not know the meaning of the monuments and also do not realise that they are monuments of the struggle. Similarly, the monument for the massacre of 12 November 1991 was built without the involvement of the 'Committee of 12 November' youth organisation, so until now, no ceremony of inauguration has been held. The monument projects have become an exclusive affair involving a few leaders and construction entrepreneurs, leading the presence of the monuments in the community to not be considered publicly significant.

Another element important to the memorialisation process is museums. There are at least two museums that could be considered 'state projects', but they are still controversial due to the differences of perception and interest between the veteran leaders and the civilian victims. In the former prison Comarca (in Balide, Dili) from both periods of Portuguese colonialism and the military occupation of Indonesia, a museum has been built that collects facts about human rights violations and the voices of the victims from the internal conflict and the Indonesian occupation of Timor-Leste. The museum, known as the 'Exhibition of CAVR' is a compilation of the work of the CAVR (see figure 1). However, since the *Chega!* report has yet to be properly addressed by the state, the 'exhibition of CAVR' has not received much attention, and many of the material have started to deteriorate.



Figure 1: Students visiting the 'exhibition of CAVR'. (Source: ACBIT).

On the other hand, some of the veteran leaders, on their own initiative, received help from the Mario Soares Foundation (the former President of Portugal) to build the Timorese Resistance Archive & Museum (see figure 2). Due to the large budget, the Foundation has been able to build a magnificent and modern museum, and it has started to completely overshadow the CAVR museum. This is another example of how the experiences of civilian victims are being side-lined.

In the meantime, memorialisation is being advanced by a few national NGOs through oral histories of victims' stories and subsequent publication in book form and short films. In addition to the abovementioned aims (of demanding justice, reparation, and non-violence education), a project of AJAR aims to develop and strengthen the network among the victims in various districts as well as between states (namely, with the victims of Indonesia and Myanmar).



Figure 2: Timorese Resistance Archive & Museum, Dili (Source: ACBIT).

5. Lessons Learned and Good Practice

The politicisation of Truth, Justice, Reparation, and Non-Recurrence (TJRNR) by the Timor-Leste government is expressed in favouring reconciliation with Indonesia over accountability of the Indonesian security forces, and the rights of ex-combatants over civilian victims. This has led to flawed transitional justice processes. Due to the fact that the government has not dealt with its past in a balanced manner, the recurrence of violence because of future rebel split-offs is not an unthinkable scenario. Human rights violations continue to occur, instigated by both the police and the military, whose weak institutions do not provide the moral framework to uphold human rights standards. The international community seems to have lost its interest in Timor-Leste, and less funding finds its way to the country. The 'Reformasi'¹⁰ in Indonesia also seems to take place very slowly, if at all. There is little hope that future governments of Indonesia will take steps in acknowledging the past and assuming responsibility for crimes committed in Timor-Leste.

During the Asia Exchange however, the participants from Timor-Leste reaffirmed that cooperating on the joint cause with Indonesian human rights NGOs is an important strategy to maintain claims for accountability. In addition, the successful social media campaigns set up by Indonesian groups (#AgainstForget), to stop human rights offender General Prabowo Subianto from becoming president can be seen as an important example from which to learn, although it would have to be adapted to the Timor-Leste context.

¹⁰ 'Reformasi' is the reform of Indonesian politics, which took place in 1998 after the forced resignation of President Suharto.

During the Exchange, the participants realised that, especially for the non-recurrence pillar of transitional justice, it is essential to set up public education on past human rights violations and to educate the new generation. Asosiasaun Chega ba Ita (ACBIT) has implemented several projects in this respect, but there should be more acknowledgement and involvement from the government. The Ministry of Education has cooperated with ACBIT to coordinate with teachers that can use the child-friendly version of the *Chega!* report as a reference (see figure 3). Unfortunately, schools have not received an official policy with instructions from the Ministry on the use of the books. Another obstacle is the lack of funding to print sufficient copies of the book - something that the Ministry should be responsible for. The Ministry asked for a Portuguese version, which ACBIT produced in a limited amount. So far, the Ministry has failed to print this version in larger numbers.



Figure 3: The child-friendly version of *Chega!*. (Source: Galuh Wandita).

From the discussions during the Exchange, the participants became inspired by examples of documentation and storytelling. They were also inspired to give a voice to victims through the publication of their stories via audio-visual materials.

Although Timor-Leste finally became independent after years of struggle and an extended UN intervention, the violent events in 2006 and 2008 have shown that shifting the country to democracy with a fully functioning rule of law system is a lengthy process. The creation and support of government institutions and the transformation of a divided society into a united nation is a long-term process that needs long-term commitment from donors and states. The international community has made multiple commitments to upholding principles of international law with regards to the atrocities committed in Timor-Leste – this should not be forgotten. As concepts of democracy, free speech, and responsible governance take hold in Timor-Leste, the time may be ripe for the people of Timor-Leste to demand a government that considers the interests of all its citizens.

6. Ways Forward

The Asia Exchange helped to reinforce relations between Timor-Leste and Indonesian human rights NGOs. Further dialogue and collaboration is important to move forward with joint strategies and advocacy campaigns for continued solidarity.

The Exchange participants also decided to increase their efforts in national campaigning to promote accountability and to intensify advocacy in order to ensure that the parliament discusses and develops policies for a meaningful implementation of the *Chega!* reports and CTF report recommendations. One particular lobbying goal is to ensure a thorough implementation of mainstreaming the *Chega!* report into the school curriculum. Currently ACBIT, in collaboration with the curriculum team at the Ministry of Education, is working on creating a curriculum that uses material from the *Chega!* report - in particular from the child-friendly illustrated version. This includes facilitating consultations with teachers and key individuals that have great knowledge on the history of Timor-Leste and the conflict. To ensure a successful project the government should make enough funding available for the implementation.

The need for a more victim-led memorialisation process in the local communities is clear, and is the context in which CSOs can play a facilitating role. Intergenerational dialogue would be a useful tool to learn from the past, in order to build transformations from the bottom-up. At the same time advocacy is needed to demand from the government to commit to a meaningful implementation of the recommendations of the *Chega!* report.

Institutions, especially the police and the military, should become more professional and better trained in human rights standards in order to avoid future violence. In addition, the continued search for the disappeared is another crucial element to address. Of 504 cases reported to the UN Working Group on Enforced Disappearances, 58 cases have been resolved on the basis of information provided by the Indonesian government and 18 cases have been resolved on the basis of information provided by other sources. A total of 428 cases remain outstanding.¹¹ Both the governments of Timor-Leste and Indonesia should be fully committed to solving these cases.

With respect to reparations, the advocacy goals are twofold. Firstly, the government should put pressure on Indonesia to pay reparations for being the principal actor responsible for committing the atrocities. Secondly, the Timor-Leste government should shift its focus from taking care only of ex-combatants, to considering all victims in the country, ensuring that their livelihoods improve, and that health and psychosocial services are available. CSOs can play a role in this as well, but these services are primarily the responsibilities of the government.

Within the group of Exchange participants, there are also differences of opinion on the proposed Law on Reparations and Memory Institute. The CSO La'o Hamutuk is of the opinion that Timor-Leste should not give in. They argue that, due to the fact that

¹¹ United Nations (2011), *Report of the Working Group on Enforced or Involuntary Disappearances*, available at: http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.58.Add.1_English.pdf

responsibility for the crimes lies with Indonesia and its allies, an International Tribunal should be established to deal with cases of mass atrocities during the period since the invasion, and that Indonesia and its allies should pay all the required reparations. They feel that approving the Law on Reparation and the creation of a Memory Institute will lead to no further effort in demanding an International Tribunal. The other organisations feel that, in order to achieve at least some form of assistance for the victims, it is important to have the law passed. However, this does not mean that they will stop advocating for an International Tribunal. For the latter, memorialisation activities can be an effective tool to keep the issue on the agenda and to “Never Forget”.

Further investments from the international community in Timor-Leste’s transformation process are needed. The commitment must be long-term, with a clear exit strategy and the means to ensure follow-up. Donors should be more understanding of the local context and remain flexible to support innovative and culturally appropriate local memorialisation initiatives.

Acronyms

ACBIT = Asosiasaun Chega ba Ita

AJAR = Asian Justice and Rights

APODETI = Timorese Popular Democratic Association

ASDT = the Timorese Social Democratic Association (which was later renamed the

CAVR = Commission for Reception, Truth and Reconciliation

COI = Commission of Inquiry

CTF = Commission of Truth and Friendship

FALINTIN = The Armed Forces for the National Liberation of East Timor

FRETILIN = Revolutionary Front for an Independent East Timor

GHRV = Gross Human Rights Violations

HRC = Human Rights Commission

JSMP = Judicial System Monitoring Programme

KPP-HAM = Commission for Human Rights Violations in East Timor

SCIT = Serious Crimes Investigation Team

SPSC = Special Panel for Serious Crimes

TJRNR = Truth, Justice, Reparation, and Non-Recurrence

UDT = Timorese Democratic Union

UNTAET = UN Transitional Administration in East Timor

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Impunity Watch (IW) is a Netherlands-based, international non-profit organisation seeking to promote accountability for atrocities in countries emerging from a violent past. IW produces research-based policy advice concerning processes intended to enforce victims' rights to truth, justice, reparation and non-recurrence (TJRNR). IW works closely with civil society organisations in countries emerging from armed conflict and repression to increase their influence on the creation and implementation of related policies. IW runs Country Programmes in Guatemala and Burundi, while also undertaking specific and comparative research in other conflict-affected countries on particular aspects of impunity.

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